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7 Attorneys for Plaintiffs

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10 UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
11

12 BOARD OF TRUSTEES OF THE  
NORTHERN CALIFORNIA FLOOR et al.;

13 Plaintiffs,

14 v.

15 BEVIL'S FLOOR SERVICES, INC.

16 Defendant.  
17  
18  
19  
20

Case No.: C 07-3207 SI

**REQUEST TO CONTINUE, OR  
ALTERNATIVELY, REQUEST FOR  
ENTRY OF JUDGMENT WITHOUT  
HEARING**

Date: August 15, 2008

Time: 9:00 a.m.

Courtroom: 10, 19<sup>th</sup> Floor  
450 Golden Gate Avenue  
San Francisco, California

Judge: The Honorable Susan Illston

21 I, Michele R. Stafford, declare as follows:

22 1. I am counsel for plaintiffs in the within matter.

23 2. Plaintiffs filed their Motion for Default Judgment on May 13, 2008. The Motion  
24 hearing date of July 18, 2008 was rescheduled by the Court to August 15, 2008. Due to an  
25 unexpected conflict, I am unable to appear at the hearing tomorrow.

26 3. I am requesting that the Court continue the hearing to August 22, 2008, one week  
27 from tomorrow, so that I can personally attend the hearing.  
28

4. In the alternative, I am requesting that the Court enter Default Judgment without the necessity of a hearing. Defendants were served with the Motion for Default Judgment to be heard on June 18, 2008 by Magistrate Larson, with the renoticed motion hearing date of July 18, 2008 filed upon reassignment of the case to Judge Susan Illston, with the Supplemental Declarations, and with this Request. Defendants have had more than the allowed time to file a response or otherwise respond to plaintiffs' Motion. As no appearance has been made, and no response filed or otherwise forthcoming, plaintiffs request that Judgment be entered without the necessity of a hearing. As recovery is always uncertain, keeping the attorneys fees and costs at a minimum is imperative.

Respectfully submitted,

Date: August 14, 2008

SALTZMAN AND JOHNSON LAW  
CORPORATION

\_\_\_\_\_/s/\_\_\_\_\_  
Michele R. Stafford  
Attorneys for Plaintiffs

**ORDER**

Good cause appearing, plaintiffs' Motion for Entry of Default Judgment is hereby continued to \_\_\_\_\_ at \_\_\_\_\_.

Dated: \_\_\_\_\_

\_\_\_\_\_  
THE HONORABLE SUSAN ILLSTON

**ORDER**

Good cause appearing, plaintiffs' Motion for Entry of Default Judgment is Granted.

Dated: \_\_\_\_\_

\_\_\_\_\_  
THE HONORABLE SUSAN ILLSTON

PROOF OF SERVICE

I, the undersigned, declare:

I am a citizen of the United States and am employed in the County of San Francisco, State of California. I am over the age of eighteen and not a party to this action. My business address is 44 Montgomery Street, Suite 2110, San Francisco, California 94104.

On August 14, 2008, I served the following document(s):

**REQUEST TO CONTINUE, OR ALTERNATIVELY,  
REQUEST FOR ENTRY OF JUDGMENT WITHOUT HEARING**

on the interested parties in said action by placing a true and exact copy of each document in a sealed envelope with postage thereon fully prepaid, in a United States Post Office box in San Francisco, California, addressed as follows:

**Benny W. Bevil  
Bevil's Floor Service, Inc.  
533 Burke Street  
San Jose, California 95112**

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on this 14<sup>th</sup> day of August, 2008, at San Francisco, California.

\_\_\_\_\_/s/\_\_\_\_\_  
Vanessa de Fábrega